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DEC 03 2012

OFFICE OF PETITIONS

**DENNIS VORIES, P.E.
TECHNIDEA CORPORATION
2121 EAST VALLEY PARKWAY
ESCONDIDO, CA 92027**

In re Patent No. 5,844,150
Issue Date: December 1, 1998
Application No. 09/004,485
Filed: January 8, 1998
Attorney Docket No. 3193-PA05

**CORRECTED
DECISION ON PETITION**

This is a decision on the petition under 37 CFR 1.378(c), filed July 23, 2012, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; and (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (1) above.

With respect to item (1): A review of the Office record shows that the fee submitted on April 17, 2012, was not accompanied by a proper statement of unintentional delay. In this regard, the unintentional statement was signed by an assignee who has not properly intervened pursuant to 37 CFR 3.71. CFR 3.71 states:

"An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee."

37 CFR 3.73(b) states:

"In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this section to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:

- (i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment). For trademark matters only, the documents submitted to establish ownership may be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office. For patent matters only, the submission of the documentary evidence must be accompanied by a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or*
- (ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number)."*

Accordingly, the statement of unintentional delay is not in compliance with 37 CFR 1.378(d) because the assignee or person signing on behalf of the assignee, has not submitted a statement under 37 CFR 3.73(b). Please see the attached Form PTO/SB/96 (Statement Under 37 CFR 3.73(b)).

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: CURTIS BROWNLOW
2121 EAST VALLEY PARKWAY,
SUITE D
ESCONDIDO, CA 92027

Attachment: FORM PTO/SB/96 – Statement Under 37 CFR 3.73(b)



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/004,485	01/08/1998	DENNIS L. VORIES	3193-PA05

CONFIRMATION NO. 1274

THOMAS J TIGHE
6265 GREENWICH DRIVE
SUITE 250
SAN DIEGO, CA 92122

POWER OF ATTORNEY NOTICE



OC000000057921391

Date Mailed: 12/03/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/16/2012.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101